



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

#1/1/03
#1/3

Appellant: Clark et al Group Art Unit: 3627
Serial No.: 09/560,785 Examiner: Andrew J. Fischer
Filed: April 28, 2000
For: Method For Designing And Purchasing A Product
Attorney Docket No.: 200-0505 (67,600-037)

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Kathy Dixon

APPEAL BRIEF

Mail Stop: Appeal
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Appellant appeals in the captioned application from the Examiner's Final Office Action mailed May 13, 2003, (hereinafter "Final Office Action") rejecting claims 1-7, 13-16, and 17-18 under 35 USC § 112, first and second paragraphs, rejecting claims 1-5, 13-16, and 17-18 under 35 USC §103(a) as being obvious over Johnson U.S. Patent NO. 6,023,683 (hereinafter "JOHNSON") in view of Jolliffe et. al. U.S. Patent NO. 5,646,862 (hereinafter "JOLLIFFE"), and rejecting

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claims 6-7 as being obvious over JOHNSON/JOLLIFE combination in further view of Danneels et. al. U.S. Patent NO. 6,272,472 B1 (hereinafter "DANNEELS").

It is urged that the rejections be reversed and that all the rejected claims be allowed.

(1) REAL PARTY IN INTEREST

The real party in interest in the present appeal is the recorded Assignee of Taiwan Semiconductor Manufacturing Co., Ltd.

(2) RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that are known to the Appellant, the Appellant's legal representative, or the assignee.

(3) STATUS OF THE CLAIMS

Claims 1-7, and 13-18 are pending in the application.

Claims 8-12 were cancelled.

Claims 1-7, and 13-18 stand rejected. No claims are allowed.

(4) STATUS OF AMENDMENTS

A Final Office Action rejecting all claims was mailed on May 13, 2003.

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A Request for Reconsideration amending Appellant's application under 37 CFR §1.116 was filed on or about July 22, 2003.

No Advisory Action was received from the Examiner.

A Notice of Appeal was filed on or about October 14, 2003.

(5) SUMMARY OF THE INVENTION

"This invention relates to a method for designing and purchasing a product and more particularly, to a method for dynamically identifying and evaluating various products and for dynamically identifying and evaluating various components and suppliers which may be used to produce a product which meets a certain previously identified need."

(Originally submitted specification, page 1, lines 7-13)

"As used within this description, the term "product" means any tangible item which must be created or obtained and which meets certain needs or requirements of a business organization and/or certain customers of such a business organization."

(Originally Submitted Specification, page 1, lines 23-27)

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"[A] method for designing and purchasing a product which . . . which dynamically identifies sources of the product and sources of components which may be cooperatively assembled to produce the product."

(Originally Submitted Specification, page 3, lines 8-13)

"[A] method for designing and purchasing a product which dynamically queries potential suppliers of such products for information effective to allow the potentially sourced products to be evaluated according to a dynamically configurable criteria."

(Originally Submitted Specification, page 3, lines 23-26
through pg. 4, lines 1-4)

"[T]he basic tangible elements which cooperatively form the product are identified".

(Originally Submitted Specification, page 6, lines 22-23)

"[A]ny **interrelationship attributes (i.e., attributes related to the interrelationship of the product to other products or components)** are identified."

(Originally Submitted Specification, page 7, lines 10-14
(emphasis added))

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"For instance, the needed gear assembly may require a pair of dissimilar gears which are coupled in a certain manner in order to provide the desired coupling function."

(Originally Submitted Specification page 6, lines 18-21)

"[T]emplate 50 includes a first dynamically configurable and searchable field 52 which identifies an item (i.e. a final assembly or component). Template 50 further includes a dynamically configurable and searchable field 54 which specifies the physical attributes of the item and a **dynamically configurable and searchable field 56 which specifies the attributes related to the interrelationship of this item to other items or components.**"

(Originally Submitted Specification, page 9, lines 7-15

(emphasis added))

"These templates 50 are created for each component, product or final assembly which is produced by each respective supplier 36, 28 and are dynamically updated to allow modifications and changes to be made to the products and to reflect the creation of new products and components."

(Originally Submitted Specification, page 9, lines 17-22)

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"[C]omputerized design files may be transmitted by the potential supplier 36, 38 to the purchaser 32, effective to allow the purchaser 32 to determine whether the sourced components and/or product meets the technical need of the organization. These files may also selectively be used to construct a three dimensional prototype as described within the text entitled Direct Engineering-Toward Intelligent Manufacturing edited by Ali K. Kamrani and Peter R. Sferro (Kluwer Academic Publishers), ISBN 0-7923-8338-9, which is fully and completely incorporated herein by reference."

(Originally Submitted Specification, pg. 10, lines 1-11)

(6) ISSUES

Issue I

Is the Final Office Action rejection of claims 1-7, and 17-18 under 35 USC § 112, first paragraph, as failing to clearly define subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention proper when independent claim 1, from which claims 1-7, and 17-18 depend, was amended to clearly define the subject matter of the claimed invention?

Issue II

Is the Final Office Action rejection of claims 13-16 under 35 USC § 112, first paragraph, as failing to clearly define subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention proper when independent claim 13, from which claims 14-16 depend, was amended to clearly define the subject matter of the claimed invention?

Issue III

Is the Final Office Action rejection of claim 1 under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention proper when independent claim 1, from which claims 2-7, and 17-18 depend, was amended in Appellant's Request for Reconsideration filed on or about July 22, 2003 to define the Appellant's invention by particularly pointing out and distinctly claiming the subject matter which appellant regards as the invention?

Issue IV

Is the Final Office Action rejection of claims 13-16 under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention proper when claim 13, from which claims 14-16 depend, was amended in Appellant's Request for Reconsideration filed on or about July 22, 2003 to define the Appellant's invention by particularly pointing out and distinctly claiming the subject matter which appellant regards as the invention?

Issue V

Is the Final Office Action rejection of claims 1-5, and 17-18 under 35 USC §103(a) as being obvious over JOHNSON in view of JOLLIFFE and the rejection of claims 6-7 under 35 USC §103(a) as being obvious over JOHNSON/JOLLIFFE combination in view of DANNEELS proper when such references do not disclose, teach, or suggest the specifically claimed limitations of claims of 1-7, and 17-18?

Issue VI

Is the rejection of claims 13-16 under 35 USC §103(a) as being obvious over JOHNSON in view of JOLLIFFE proper when such references do not disclose, teach, or suggest the specifically claimed limitations of claims of 13-16?

(7) GROUPING OF CLAIMS

The rejection of claims 1-7, and 17-18 are contested as a group.

The rejection of claims 13-16 are contested as a group.

(8) ARGUMENTS

Issue I

The rejection of claims 1-7, AND 17-18 under 35 USC § 112, first paragraph is improper and must be reversed.

Claim 1-7, and 17-18 were rejected in the Final Office Action under 35 USC § 112, first Paragraph, as failing to clearly define subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

More particularly, the Final Office Action, pg. 3, clause 5, stated the rejection under 35 UCS 112 first paragraph was based on the uncertainty of "how "purchasing said product from said at least one identified supplier" occurs since this would make irrelevant the earlier claimed distinction of searching for components from particular suppliers."

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Claim 1 as clearly defines the step of "creating an information template for each of the plurality of suppliers" and to clearly define the information template which "specifies a product **having at least one component** disposed within the product".

As appellant is entitled to be "his or her own lexicographer", see Multi-form Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998), the term "product" as used within appellant's originally submitted application "means any tangible item which must be created or obtained and which meets certain needs or requirements of a business organization and/or certain customers of such a business organization." Present Application, page 1, lines 23-27.

Thus, the present invention provides "a method for designing and purchasing a product . . . which identifies potential sources of the product and/or of components which may be assembled to produce such a product while technically and economically evaluating each of the potentially sourced products and component combinations." See also, Present Application, page 3, lines 15-22.

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Thus, a product having only one component allows a single component to be a product. Additionally, if each product has at least one component, then a search of each of the information templates for each supplier would necessarily search the product and the at least one component disposed within the product. Likewise, a search of each of the information templates would necessarily search a product and each component within a product if the product had more than one component.

Additionally, "the basic tangible elements [i.e. components] which cooperatively form the product are identified". Pending Application, page 6, lines 21-26.

Therefore, in light of independent claim 1 as amended, the rejection of claim 1 and claims 2-7 and 17-18, which depend from claim 1, under 35 USC §112, first paragraph must be reversed.

Issue II

The rejection of claims 13-16 under 35 USC § 112, first paragraph is improper and must be reversed.

Claims 13-16 were rejected in the Final Office Action under 35 USC § 112, first Paragraph, as failing to clearly

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define subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

More particularly, the Final Office Action, 7, clause 6a, stated claim 13 was rejected based on the consideration that the phrase "creating an information template having a dynamically configurable and searchable field . . ." contains new matter.

The appellant respectfully disagrees.

Claim 13 as amended to clearly defines the step of "creating an information template having a dynamically configurable and searchable field wherein the dynamically configurable and searchable field is configured to define a plurality of interrelationship attributes related to the interrelationship of the several interconnected components of said product associated with each of said plurality of suppliers and wherein the interrelationship attributes of said components further define the overall function of each of the several interconnected components".

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The specification clearly supports and provides antecedent basis for "an information template having a dynamically configurable and searchable field" recited in amended claim 13 as disclosed in the originally submitted specification, page 9, lines 7-15 as follows:

"[T]emplate 50 includes a first **dynamically configurable and searchable field 52** which identifies an item (i.e. a final assembly or component). Template 50 further includes a **dynamically configurable and searchable field 56** which specifies the attributes related to the interrelationship of this item to other items or components."

Therefore, claim 13 does not introduce new matter because antecedent basis is provided in the originally submitted specification for an information template having a dynamically configurable and searchable field.

In light of claim 13 as amended, the rejection of claim 13, and claims 14-16, which depend from independent claim 13 must be reversed.

Issue III

The rejection of claim 1 under 35 USC § 112, second paragraph is improper and must be reversed.

Claim 1 under 35 USC § 112, second paragraph, was rejected in the Final Office Action as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention. More particularly, the Final Office Action, pg. 4, clause 8a, rejected claim 1 based on the uncertainty of whether "the computerized design file" recited therein is associated with the product or is associated with a component.

Claim 1 as amended clearly defines the computerized design file. Claim 1 recites the steps of:

"searching each of the information templates for the specified at least one component disposed within each product;

causing a design file of said product to be created by performing the steps of

transmitting at least one computerized design file associated with **the at least one component disposed within said product** created from each of said identified suppliers from the plurality of suppliers to a purchaser, and

selectively using said at least one transmitted computerized design file **associated with the at least one component disposed within said product** to create a three dimensional prototype of said product;

and

purchasing said at least one component disposed within the product from said at least one identified supplier from the plurality of suppliers."

As defined in the currently amended claim 1, the product has at least one component disposed within the product, and therefore, the computerized design file is associated with the component. Thus, the at least one component design file is used to create the 3-D prototype.

Additionally, the Final Office Action, page 4, clause 8b, rejected claim 1 based on the uncertainty of whether the step of "purchasing said product from said at least one identified supplier" provides for each supplier to only supply a component. The examiner suggested that the last phrase be changed to "purchasing said component and not the product." Claim 1 was amended in light of Examiner's suggestion. Thus, the Appellant complied with Examiner's suggestion and amended claim 1 accordingly.

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Additionally, the Final Office Action, page 5, clause 8c, rejected claim 1 based on the uncertainty of whether the "searching" and "transmitting" step was performed for just a single component or for all components. Claim 1, as amended, associates the searching and transmitting step with the at least one component disposed within said product.

As mentioned supra, the at least one component is disposed within the product and when the product has only one component, the product is the component. If the product has a plurality of components, then each of the component design files are searched and transmitted.

Additionally, the Final Office Action, page 5, clause 8d, rejected claim 1 based on the uncertainty of whether the step of "causing a design filed of said product to be created . . ." includes all three sub-steps of "transmitting," "using," and "purchasing".

Additionally, claim 1 as amended clearly defines the step of "causing a design filed of said product to be created has two sub-steps of "transmitting and using". Thus, the step of "purchasing said at least one component . . ." is an ordinary step, and not a substep.

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In light of the amendment to independent claim 1, the rejection of claim 1 and claims 2-7 and claims 17-18, which depend from claim 1, the rejection under 35 USC §112, second paragraph must be reversed.

Issue IV

The rejection of claims 13-16 under 35 USC § 112, second paragraph is improper and must be reversed.

Claims 13-16 under 35 USC § 112, second paragraph, were rejected in the Final Office Action as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention.

More particularly, the Final Office Action, pg. 6, clause 8e stated that claim 13 was rejected based on the uncertainty of how the information template which corresponds to the particular suppliers is dynamically configurable.

Claim 13, as amended, clearly defines the information template to have "a dynamically configurable and searchable field wherein the dynamically configurable and searchable field is configured to specify a plurality of interrelationship attributes related to the interrelationship of the several interconnected components of said product

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associated with each of said plurality of suppliers and wherein the interrelationship attributes of said components further define the overall function of each of the several interconnected components"

Thus, claim 13 explains how the information template which corresponds to the particular suppliers is dynamically configurable by specifying a plurality of interrelationship attributes.

Therefore, in light of independent claim 13 as amended, the rejection of claim 13 and claims 14-16, which depend from claim 13, the rejection under 35 USC §112, second paragraph must be reversed.

Issue V

The rejection of claims 1-5, and 17-18 under 35 USC §103(a) as being obvious over JOHNSON in view of JOLLIFFE and the rejection of claims 6-7 under 35 USC §103(a) as being obvious over JOHNSON/JOLLIFFE combination in view of DANNEELS is improper when such references do not disclose, teach, or suggest the specifically claimed limitations of claims of 1-7, and 17-18.

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The rejection of claims 1-5, and 17-18 under 35 USC § 103(a) based on JOHNSON in view of JOLLIFFE is improper and must be reversed.

Claims 1-5, and 17-18 are rejected under 35 USC §103(a) as being obvious over JOHNSON in view of JOLLIFFE.

It is contended in the Final Office Action, pg. 7, clause 10, that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson '683 as taught by Jolliffe to include creating a three dimensional prototype of the component or product."

The Appellant respectfully disagrees.

The JOHNSON reference is directed to a method of purchasing products from a supplier catalog, creating a catalog database of products listed within a plurality of supplier catalogs, wherein each product is displayed within an associated supplier catalog, and requisitioning an available product **based on a best price** from a selected supplier catalog. See Johnson col. 4, lines 35-41. Johnson teaches "a catalog database 36 comprised preferably of at least two vendor product catalogs. The catalogs, and hence catalog database 36, preferably include such information as part

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number, price, catalog number, vendor name or I.D., and vendor catalog number, **as well as textual information and images** of or relating to the catalog products." Johnson col. 4, lines 35-41.

"The data passed by interface 60 preferably comprise all or a subset of the following twelve fields: vendor name, vendor number, vendor part (catalog) number, product description, bid price, list price, keyword, page number, quantity, unit, catalog text, and catalog images." Johnson col. 5, lines 66-67 through col. 6, lines 1-3.

JOHNSON uses an interface to pass 12 fields from a supplier to the catalog database and then searches the 12 fields for products that match pre-defined catalog search criteria to form a purchase requisition. See JOHNSON col. 6, lines 5-22. The 12 fields comprise: "vendor name, vendor number, vendor part (catalog) number, product description, bid price, list price, keyword, page number, quantity, unit, catalog text, and catalog images." JOHNSON col. 5, lines 65-67 through col. 6 lines 1-3.

The JOLLIFFE reference generally teaches the concept of designing vendor-neutral engineering systems, particularly involving electrical engineering systems that are part of an

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automobile. The JOLLIFFE reference further teaches a generic translation software that operates between two different Computer Aided Engineering(CAE) tools. See JOLLIFFE, col. 5, lines 27-31 ("In its simplest form, the system disclosed is thus a method for data exchange and communication between vendor independent tools and tools that do not necessarily speak the same language or have the same concepts.")

Additionally, JOLLIFFE uses a 2-dimensional CAD file for use in designing an optimal electrical system. See generally JOLLIFFE and FIGS. 1-14. JOLLIFFE also teaches a limited use of a CAE tool that is used to design a 3-D harness: "There might also be additional tools (not shown) which perform full 3-D harness design." JOLLIFFE, col. 5, lines 5-7.

To the contrary, the present invention as clearly recited in independent claim recites a method for purchasing a product having the steps of:

- identifying a plurality of suppliers;
- creating an information template for each of the plurality of suppliers wherein each of the information template specifies a product having at least one component disposed within the product;

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searching each of the information templates for the specified at least one component disposed within the product;

identifying at least one supplier from the plurality of suppliers by use of said search;

causing a design file of said product to be created by performing the steps of

transmitting at least one computerized design file associated with the at least one component disposed within said product created from each of said identified suppliers from the plurality of suppliers to a purchaser, and

selectively using said at least one transmitted computerized design file associated with the at least one component disposed within said product to create a three dimensional prototype of said product; and

purchasing said at least one component disposed within the product from said at least one identified supplier from the plurality of suppliers.

The Appellant respectfully submits that such is not taught or disclosed by JOHNSON in combination with JOLLIFFE.

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Unlike the present invention, the JOHNSON and JOLLIFFE reference fails to teach, suggest or hint at the use of the very specific vendor neutral electrical system to **"selectively us[e] said at least one transmitted computerized design file associated with the at least one component disposed within said product to create a three dimensional prototype of said product."** Pending Application, Claim 1.

"Product" as used within Appellant's originally submitted application "means any tangible item which must be created or obtained and which meets certain needs or requirements of a business organization and/or certain customers of such a business organization." Present Application, page 1, lines 23-27. See also, Present Application, page 3, lines 15-22 disclosing "a method for designing and purchasing a product . . . which identifies potential sources of the product and/or of components which may be assembled to produce such a product while technically and economically evaluating each of the potentially sourced products and component combinations."

As mentioned in the Final Office Action, pg. 7, and in Appellant's April 22, 2003 reply (Paper No. 6), the JOHNSON reference fails to disclose use of a three dimensional image to produce a prototype of the product as defined in claim 1.

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It is well known in the automotive electrical arts that a 3-D harness design may be used to determine the relative loads, transients, and distances of the wires disposed within a wiring harness. Such a 3-D harness design as described in JOLLIFFE may be created using the method of the present invention. However, the same 3-D harness design tool could not create a three dimensional prototype of **any product** as defined in the present invention using the JOLLIFFE method.

Additionally, the JOLLIFFE reference teaches away from using a general design method for designing an non-electrically related product as disclosed in the present invention. See JOLLIFFE, col. 10, lines 21-26.

"In keeping with the present invention, there is further provided a method for accommodating data interchange between multiple vendor-independent Computer Aided Engineering (CAE) tools. **The method is specifically directed for use in an integrated vehicle electrical design and analysis system.**" JOLLIFFE, col. 10, lines 21-26.

Thus, the 3-D wiring harness of JOLLIFFE alone or in combination with other wiring harnesses cannot create a 3-dimensional prototype of a fully surfaced and textured automotive component or product. Therefore, a 3-D CAD file of

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a wiring harness cannot be combined with the template of the JOHNSON reference to render a 3-D "product" prototype as is disclosed in the present invention.

Therefore, there is no motivation to combine the JOHNSON reference with the JOLLIFFE reference to render appellant's invention.

Additionally, even if a motivation to combine the JOHNSON reference with the JOLLIFFE reference exists, the results of the combination of the two references of record would still not render the 3-dimensional product prototype design produced using the present invention. For example, if the pre-defined fields of the catalog template taught in the JOHNSON reference, particularly the textual information and 2-dimensional catalog images, were able to be translated into a vendor-neutral language using the method of the JOLLIFFE reference, only 2-dimensional images or data relating to electrical systems could be used in accordance with the JOLLIFFE method and furthermore, the images could not be converted into a 3-D product prototype using the JOLLIFFE method. Conversely, using the method of the JOHNSON reference, data relating to a 3-D wiring harness of the JOLLIFFE invention would still be transmitted as 2-dimensional image using the catalog image template field of the JOHNSON

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invention. Therefore, it would not be obvious to combine the teachings of the JOHNSON reference with the teachings of the JOLLIFFE reference to render the 3-D prototype design of a product of the present invention.

The Appellant therefore respectfully submits that Appellant's claims are not rendered obvious under JOHNSON in view of JOLLIFFE because the JOHNSON and JOLLIFFE reference alone or in combination do not teach, disclose or suggest a 3-D prototype design of a product of the present invention.

The rejection of claims 1-5, and 17-18 under 35 USC §103(a) as being obvious over JOHNSON in view of JOLLIFFE is improper when such reference does not disclose, teach, or suggest the specifically claimed limitations of claims of 1-5.

The rejection of claims 1-5, and 17-18 under 35 USC § 103(a) based on JOHNSON in view of JOLLIFFE is improper and must be reversed.

The rejection of claims 6-7 under 35 USC §103(a) as being obvious over JOHNSON/JOLLIFFE in further view of DANNEEL is improper and must be reversed.

The Daniels reference teaches a dynamic linking system that facilitates communications between three system components: a supplier server, a reseller server, and a purchaser client web browser. See DANNEELS col. 4, lines 22-23. DANNEELS enables a purchaser to select a reseller from a list of resellers supplied by the supplier server to purchase a desired item from a reseller that sells the associated desired item.

The Appellant's have clearly shown that the basic steps of **selectively using . . . at least one transmitted computerized design file associated with the at least one component disposed within said product to create a three dimensional prototype of said product**, as recited in independent claim 1, of the present invention is not taught or disclosed by JOHNSON or JOLLIFFE. The additional reference of DANNEELS therefore does not lend any additional weight in a 35 USC §103(a) rejection of claims 6-7.

Additionally, as discussed supra, there is no motivation to combine, nor would it have been obvious to combine the JOHNSON reference with the JOLLIFFE reference to render the present invention. Thus, there also exists no motivation to combine the JOHNSON reference and the JOLLIFFE reference with

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the DANNEELS reference to render further combining the present invention.

The rejection of claims 6-7 under 35 USC § 103(a) based on JOHNSON/JOLLIFFE in further view of DANNEELS is improper and must be reversed.

Issue VI

Claims 13-16 are rejected under 35 USC §103(a) as being obvious over JOHNSON in view of JOLLIFFE.

It is contended in the Final Office Action that the JOHNSON reference inherently discloses searching with templates by both product and component such as in auto parts. Additionally, the Final Office Action contends that decomposing said product into several interconnected components is inherent since the part number would already reflect this decomposition.

The Appellant respectfully disagrees.

Claim 13 has been amended to clearly define the information template associated with each supplier and with each product.

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Appellant, being his own lexicographer, see MPEP 2111.01, hereby defines "interrelationship" to mean how each of the products or components disposed within the products spatially relate to one another, or similarly, how the item [i.e. product or component] relates to other items [i.e. products components]. See Present Application, page 7, lines 10-14:

"Step 18 follows step 16, and in this step, . . . any **interrelationship attributes (i.e., attributes related to the interrelationship of the product to other products or components)** are identified." See Present Application, page 7, lines 10-14.

See also, Pending Application, page 6, lines 18-23 describing the interrelationship of two components used to form a product: "For instance, the needed gear assembly may require a pair of dissimilar gears which are coupled in a certain manner [i.e. "interrelationship between the pair of dissimilar gears'] in order to provide the desired coupling function. Therefore, in this step 16, **the basic tangible elements [i.e. "components"] which cooperatively form the product are identified.**"

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Patents are written by and for skilled artisans, see Vivid Technologies v. American Signs, 200 F.3d 795, 804, 53 USPQ2nd 1295, see also S3 v. Nvidia, 259 F.3d 1354, 1371, 59 USPQ 2nd 1795, 1749-50. Thus, the definition and use of "interrelationship" with regard to automotive products or components is well known in the art. Use of the term "interrelationship" can be found in PRYOR, U.S. Patent No. 5, 380,978 entitled "Method and apparatus for assembly of car bodies and other 3-dimensional objects", issued on Jan. 10, 1995 discussing the "interrelationship" of components being assembled in an automotive manufacturing environment. "This is quite different than today's practice, where sub-assemblies are built up, even in other factories, hundreds of miles away, and one really has no knowledge of the *interrelationship* of the dimensions of the various pieces. One only "hopes" that it goes together." PRYOR, col. 13, lines 33-37.

Thus, "interrelationship" can be interpreted as the physical location of a structural relationship of one component or product to another. Therefore, claims 13-16 must be examined in light of the definitions provided by the appellant lexicographer in the specification as discussed supra.

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Using appellant's definition of the term "interrelationship", no such template having a dynamically searchable field for defining **interrelationship attributes** is provided in either the JOHNSON or the JOLLIFFE reference.

Both the JOHNSON and the JOLLIFFE reference fail to disclose "a dynamically configurable and searchable field wherein the dynamically configurable and searchable field is configured to specify a plurality of interrelationship attributes related to the interrelationship of the several interconnected components of said product associated with each of said plurality of suppliers and wherein the interrelationship attributes of said components further define the overall function of each of the several interconnected components" as recited in amended claim 13. While the fields of the template taught in JOHNSON may have pre-defined but searchable fields, none of the pre-defined values within the fields define an interrelationship of the several interconnected components of the product identified.

With regard to the JOHNSON reference, the hit list consists of a list of product part descriptions and numbers and the textual information field as taught in the JOHNSON reference lists factual information and some physical specifications of the product or component as a whole, but

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fails to describe the interrelationship of the product with regard to another product, or of a component with regard to another component. See JOHNSON appendices. Additionally, no such template or fields are taught in the JOLLIFFE reference.

Thus, there is no motivation to combine the JOHNSON reference with the JOLLIFFE reference to render appellant's invention.

Thus, the rejection of claims 13-16 under 35 USC § 103(a) based on JOHNSON in view of is improper and must be reversed.

CLOSING

In summary, Appellant has shown that Appellant's claimed invention is fully supported by a body of evidence of definiteness, and non-obviousness. It is respectfully submitted that such evidence of definiteness and non-obviousness overcomes any showing of indefiniteness and obviousness presented by the Examiner. The Appellant therefore submits that the following final rejections are improper:

1) Appellant's claims 1-7, and 13-18 under 35 USC § 112, first paragraph;

2) Appellant's claims 1-7, and 13-18 under 35 USC § 112, second paragraph; and

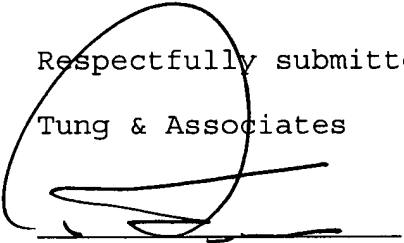
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3) Claims 1-7, and 13-18 under 35 USC § 103(a);

The reversal of the final rejection is respectfully
solicited from the Board.

Respectfully submitted,

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CLAIM APPENDIX

1. A method for purchasing a product comprising the steps of:
 - identifying a plurality of suppliers;
 - creating an information template for each of the plurality of suppliers wherein each of the information template specifies a product having at least one component disposed within the product;
 - searching each of the information templates for the specified at least one component disposed within the product;
 - identifying at least one supplier from the plurality of suppliers by use of said search;
 - causing a design file of said product to be created by performing the steps of
 - transmitting at least one computerized design file associated with the at least one component disposed within said product created from each of said identified suppliers from the plurality of suppliers to a purchaser, and
 - selectively using said at least one transmitted computerized design file associated with the at least one component disposed within said product to create a three dimensional prototype of said product; and

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purchasing said at least one component disposed within the product from said at least one identified supplier from the plurality of suppliers.

2. The method of claim 1 further comprising the steps of:

placing certain information on said information template of said identified supplier related to the cost of producing said product; and

reporting said certain information.

3. The method of Claim 2 further comprising the steps of:

storing said three dimensional prototype of said product within an associated information template database; and

evaluating said design file before purchasing said product.

4. The method of claim 1 further comprising the step of:

creating information relating to the operation of said product; and

placing said information upon said template of said identified supplier.

5. The method of Claim 1 wherein said product is selectively assembled within a vehicle.

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6. The method of Claim 1 wherein said templates are searched over a global computer network.

7. The method of Claim 6 wherein said global computer network comprises the internet.

Claims 8 - 12 (cancelled)

13. A method for purchasing a product comprising the steps of:

fixing attributes of said product having several interconnected components;

decomposing said product into several interconnected components;

identifying a plurality of suppliers;

creating an information template having a dynamically configurable and searchable field wherein the dynamically configurable and searchable field is configured to specify a plurality of interrelationship attributes related to the interrelationship of the several interconnected components of said product associated with each of said plurality of suppliers and wherein the interrelationship attributes of said components further define the overall function of each of the several interconnected components; and

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searching said information templates in order to identify suppliers of said product and said several interconnected components.

14. The method of Claim 13 further comprising the step of:

identifying at least one supplier of said product by use of said information templates.

15. The method of Claim 14 further comprising the step of:

identifying at least one supplier from a plurality of suppliers for each of said several interconnected components by use of said information templates.

16. The method of Claim 13, wherein the step of creating the information template further comprises the step of:

specifying a plurality of attributes related to the interrelationship of the product to other products.

17. The method of Claim 1, wherein the product having the at least one component disposed within the product is used in an automotive vehicle.

18. The method of claim 1, wherein the product has a plurality of interconnected components disposed therewithin.